

### III. REMARKS

Claims 1-5, 10-12, 14, 31-35 and 37-39 are pending in this application. By this Amendment, claims 1, 12 and 31 have been amended, claims 6, 13 and 36 have been cancelled, and claims 37-39 have been added. Claims 7-9 and 15-30 were previously cancelled. The above amendments and the following remarks are being made to facilitate early allowance of the presently claimed subject matter. Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the above amendments and following remarks is respectfully requested.

Entry of this Amendment is proper under 37 C.F.R. §1.116(b) because the Amendment: (a) places the application in condition for allowance as discussed below; (b) does not raise any new issues requiring further search and/or consideration; and (c) places the application in better form for appeal. Accordingly, Applicants respectfully request entry of this Amendment.

In the Office Action, claims 1-4, 11, 12, 14 and 31-34 are rejected under 35 U.S.C. §102(b) as being anticipated by Sato (USPN 5,798,561); claims 31-34 are rejected under 35 U.S.C. §102(b) as being anticipated by Oda et al. (USPN 5,962,880); and claims 5 and 35 are rejected under 35 U.S.C. §103(a) as being unpatentable over Sato. Applicants submit that the claimed subject matter is allowable and thus respectfully request withdrawal of the rejections for the reasons stated below.

Applicants have revised claim 1 to include the subject matter of claim 6, which was indicated as allowable if rewritten in independent form. Applicants have also added new claim

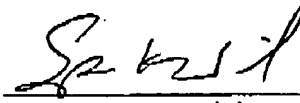
37, which includes the subject matter of claim 1 and allowed claim 10. Claim 12 has been revised to include the subject matter of allowed claim 13. Claim 31 has been revised to include the subject matter of allowed claim 36.

New claim 38 is substantially similar to claim 12 as presented in the previous amendment except that the claimed invention includes a separation portion that is insulative. Applicants respectfully submit that new claim 38 is in condition for allowance because Sato fails to disclose or suggest, *inter alia*, the insulative separation portion. New claim 39 is substantially similar to claim 31 as presented in the previous amendment except that the "outer region also contacts an intrinsic base outer region that is positioned to horizontally overlap a shallow trench isolation below the outer region." Applicants submit that Oda and Sato fail to disclose or suggest, *inter alia*, an intrinsic base outer region that horizontally overlaps a shallow trench isolation. Accordingly, Applicants believe new claim 39 is in condition for allowance. Applicants also submit that the new claims do not present new issues since the Examiner explicitly addressed the added subject matter in his arguments in the Final Office Action. Accordingly, no new consideration should be required.

The dependent claims not expressly addressed are believed allowable for the same reasons stated above, as well as for their own additional features.

Applicants respectfully submit that the application is in condition for allowance. Should the Examiner believe that anything further is necessary to place the application in better condition for allowance, he is requested to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,



Spencer K. Warnick  
Reg. No. 40,398

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Hoffman, Warnick & D'Alessandro LLC  
Three E-Comm Square  
Albany, New York 12207  
(518) 449-0044  
(518) 449-0047 (fax)